

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of San Diego Gas & Electric Company (U 902-E) for an Order Implementing Assembly Bill 265.

Application 00-10-045
(Filed October 24, 2000)

Application of San Diego Gas & Electric Company (U 902-E) for Authority to Implement an Electric Rate Surcharge to Manage the Balance in the Energy Rate Ceiling Revenue Shortfall Account.

Application 01-01-044
(Filed January 24, 2001)

**ASSIGNED COMMISSIONER'S RULING DIRECTING
(1) SERVICE OF DOCUMENTS AND (2) FILING OF NOTICE
OF EX PARTE COMMUNICATION**

By letter to General Counsel Gary Cohen dated May 10, 2002, copies of which were sent to each Commissioner, Sempra Energy transmitted to the Commission a proposed Settlement Agreement that, according to the letter, would "resolve fully and completely the federal court litigation" in SDG&E v. Loretta Lynch, et al., United States District Court for the Southern District, Case Number 02CV339 BTM (LAB). In the letter, Sempra Energy requested expedited Commission consideration of the proposed Settlement Agreement in closed session on May 16, 2002.

The proposed Settlement Agreement would resolve substantive issues pertaining to certain power procurement contracts that are being litigated in the captioned proceedings. (See Assigned Commissioner's Ruling Vacating Suspension of Procedural Schedule, Updating the Scope, and Revising the

Schedule, dated March 28, 2002.) Prepared testimony of the Office of Ratepayer Advocates and other parties is due to be served on May 29, 2002. (*Id.*) Therefore, good cause appearing, **IT IS RULED** that:

1. No later than Monday, May 20, 2002, San Diego Gas and Electric Company (SDG&E) shall serve a copy of the above-described letter from Sempra Energy and the accompanying proposed Settlement Agreement on parties of record in the captioned proceedings. Copies shall also be served electronically on those parties on the service list that have provided an e-mail address.

2. Pursuant to Rules 5, 7, and 7.1 of the Rules of Practice and Procedure (Rules), SDG&E shall file notice(s) of any communication(s) with decisionmakers that concern substantive issues in the captioned proceedings, including issues pertaining to the power procurement contracts that are addressed in the proposed Settlement Agreement, if such communication(s) did not occur in a public hearing, workshop, or other public setting, or on the record.

3. In the event that SDG&E wishes to pursue implementation of the proposed Settlement Agreement or any other settlement regarding issues in this proceeding, it shall do so in accordance with the rules governing stipulations and settlements set forth in Article 13.5 (Rule 51, et seq.) and the Rules.

Dated May 16, 2002, at San Francisco, California.

/s/ CARL WOOD

Carl Wood
Assigned Commissioner

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Assigned Commissioner's Ruling Directing (1) Service of Documents and (2) Filing of Notice of Ex Parte Communication on all parties of record in this proceeding or their attorneys of record. In addition, service was also performed by electronic mail.

Dated May 16, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.